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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,280	02/14/2002	Ping-Ling Fan	67,200-671	3287

7590 01/26/2005

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EXAMINER

GUADALUPE, YARITZA

ART UNIT PAPER NUMBER

2859

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No. 10/077,280	Applicant(s) FAN ET AL.	
	Examiner Yaritza Guadalupe McCall	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 and 17-20 is/are allowed.
- 6) ☒ Claim(s) 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to Request for Continued Examination filed July 12, 2004

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21 - 22 are rejected under 35 U.S.C. 102 (b) as being anticipated by Admitted Prior Art [Hereinafter APA].

With respect to claims 21 - 22 : APA discloses an apparatus comprising a gauge (92) for measuring a gap (considered a horizontal gap gauge due to its orientation as shown in Figure 4, having a horizontal extension which could define a threshold for the gap to be measured) between said baffle and the chamber wall (See Figure 4 and page 13, lines 1 - 5 of the Specification) in order to level said electrostatic chuck, which can be also translated into prevention of peeling or damaging said chamber wall. APA discloses an apparatus for use in various semiconductor fabrication operation, .e.g., wet cleaning semiconductor operation. APA further discloses the use of dual rotate magnets (DRM) (See Figure 4, # 10 and 11), a focus ring (20), and said electrostatic chuck having a horizontal or vertical movement.

Allowable Subject Matter

3. Claims 1 – 15 and 17 - 20 are allowed.

The following is an examiner's statement of reasons for allowance:

a. Claims 1 - 10 are allowable over the Prior Art of Record because it fails to teach or suggest a gauge apparatus for use in a semiconductor system, said apparatus comprising a leveling mechanism for measuring s horizontal gap between said baffle and said chamber wall, the leveling mechanism disposed between said electrostatic chuck at said second position of said electrostatic chuck and said chamber wall in combination with the remaining limitations of the claims.

b. Claims 11 – 15 and 17 - 20 are allowable over the Prior Art of Record because it fails to teach or suggest a method for preventing damage to a chamber wall by a baffle plate in a semiconductor fabrication system, said method comprising the step of measuring a horizontal or vertical gap using a gauge having a leveling mechanism and a modified portion in combination with the remaining limitations of the claims.

Response to Arguments

4. Applicant's arguments regarding claims 21 – 22 filed December 13, 2004 have been fully considered but they are not persuasive.

Applicant arguments regarding the APA not teaching a horizontal gap gauge is not persuasive. As previously indicated by the Examiner, the gauge (92) disclosed by APA sets forth a horizontal gap gauge. APA (See Figure 4) shows an ESC (34) and a gauge (92) having a horizontal extension which could define a threshold for the gap to be measured, therefore, defining a horizontal gap gauge as indicated in the rejection above.

5. Applicant's arguments, see remarks, filed December 13, 2004, with respect to claims 1 – 15 and 17 - 20 have been fully considered and are persuasive. The rejection to the claims has been withdrawn and claims have been indicated as allowable.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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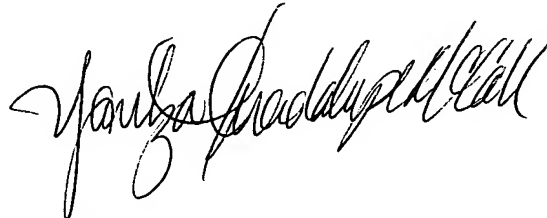
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe McCall whose telephone number is (571)272-2244. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Yaritza Guadalupe-McCall', is positioned above the printed name.

Yaritza Guadalupe-McCall
Patent Examiner
Art Unit 2859

YGM
January 21, 2005